

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
(317) 232-9855

FISCAL IMPACT STATEMENT

LS 7465

BILL NUMBER: SB 674

DATE PREPARED: Jan 17, 1999

BILL AMENDED:

SUBJECT: Study of traffic violation stop patterns.

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**FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL**

IMPACT: State

Summary of Legislation: This bill has the following provisions:

- (1) It requires the Office of the Attorney General to conduct a study of routine traffic violation stops of individuals by law enforcement officers in the state;
- (2) It specifies the factors that must be considered in conducting the study;
- (3) It requires the Office of the Attorney General to report the results of the study to the General Assembly not later than July 1, 2001;
- (4) It also provides that data collected in the study: (1) shall be used only for research or statistical purposes and may not contain any information that may reveal the identity of any individual who is stopped or any law enforcement officer; and (2) may not be used in any legal or administrative proceeding to establish an inference of discrimination on the basis of particular identifying characteristics.

Effective Date: July 1, 1999.

Explanation of State Expenditures: This bill requires the Attorney General to conduct a state-wide study of routine traffic violation stops by law enforcement officers. The study requires that the collection and analysis of the following information:

- (1) The number of individuals stopped for routine traffic violations;
- (2) The identifying characteristics of each individual stopped, including the race, ethnicity, an approximate age of the individual;
- (3) The traffic infraction alleged to have been committed that led to the stop;
- (4) Whether a search was conducted as a result of the stop;
- (5) The manner in which the search was conducted;
- (6) The rationale for the search;
- (7) Whether any contraband was discovered during the course of the search;
- (8) The nature of the contraband, if discovered;

- (9) Whether a warning citation was issued as a result of the stop;
- (10) Whether an arrest was made as a result of the stop or the search;
- (11) The benefit of traffic stops with regard to the interdiction of drugs and the proceeds of drug trafficking, including the approximate quantity of drugs and value of drug proceeds seized on an annual basis as a result of routine traffic stops; and
- (12) Other factors the Attorney General considers appropriate.

The Indiana Attorney General's Office reports that it does not have the survey expertise nor the resources required to conduct such a study. It is unclear whether the required information is available for collection and analysis. Some traffic stops result in verbal warnings of which no record is kept. The records of every state, county and local law enforcement agency would have to be examined. Written records from traffic stops may not include all the identifying information the bill requires.

The funds and resources required above could be supplied through a variety of sources, including the following: (1) Existing staff and resources not currently being used to capacity; (2) Existing staff and resources currently being used in another program; (3) Authorized, but vacant, staff positions, including those positions that would need to be reclassified; (4) Funds that, otherwise, would be reverted; or (5) New appropriations. The Office of the Attorney General is authorized 263 full-time positions. Of that total, as of December 31, 1998, there are 22 full-time positions vacant. The breakdown of the 22 vacancies by position type is as follows: 3 departmental counsels, 1 trial deputy, 5 field investigators, 1 field auditor, 1 administrative assistant, 2 office managers, 5 secretaries, 3 account clerks, and 1 clerical assistant. Ultimately, the source of funds and resources required to satisfy the requirements of this bill will depend upon legislative and administrative actions. This bill makes no appropriation.

As a result of routine traffic stops in 1997, the Indiana State Police issued 368,024 written warnings, made 269,578 traffic arrests and 39,034 seatbelt violation arrests. No information is available on the number of searches conducted or the amount and nature of contraband seized.

There is an on-going initiative to improve Indiana's traffic record system. The initiative is funded with federal National Highway Traffic Safety money and involves the Criminal Justice Institute, State Police, Bureau of Motor Vehicles, Purdue University, AAA, and the insurance industry, among others. The initiative's goal is to improve the way traffic record information is collected, stored and used. The data to be collected has not yet been determined, but may include information on traffic stops, searches, and other information related to the study proposed by this bill.

Explanation of State Revenues:

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected: Office of the Attorney General; Indiana State Police; Capitol Police.

Local Agencies Affected: Local law enforcement agencies.

Information Sources: J.D. Lux, Office of the Attorney General, (317) 233-8438; John Catey, Indiana Sheriff's Association, (317) 356-3633; Troy Beverson, Legislative Liaison, Pennsylvania Attorney General's Office, (717) 783-3085; Brian Preski, Counsel, Pennsylvania House Judiciary Committee, (717) 783-3085;

The Detroit News, Metro Section, April 17, 1998 (www.detnews.com); U.S. Representative John Conyer's Office, (202) 225-5126; Col. Donald Brackman, Assistant Superintendent, State Police, (317) 232-8239; Capt. Robert Omstead, Records Division, State Police, (317) 232-8265; Ron Sharp, Reference Division, State Library, (317) 232-3732; Ellen Scrivner, U.S. Department of Justice, (202) 633-1495; Catherine O'Connor, Criminal Justice Institute, (317) 232-2560.